

ORDINANCE NO. 2001 - 038

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR 01-69 INST 2 (WELLINGTON MEDICAL - PHASE II), MODIFYING PAGE 69 OF THE FLUA BY CHANGING AN APPROXIMATELY 27.22 ACRE PARCEL OF LAND, GENERALLY LOCATED APPROXIMATELY 600 FEET WEST OF STATE ROAD 7/US 441, APPROXIMATELY 0.25 OF A MILE NORTH OF FOREST HILL BOULEVARD, FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO INSTITUTIONAL, WITH AN UNDERLYING 8 UNITS PER ACRE (INST/8), SUBJECT TO CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 2, 9, 23 and March 9, 2001 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and April 10, 2001 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2001 the Department of Community Affairs "Objections, Recommendations, and

Comments Report," dated June 29, 2001 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 27, 2001 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 69 is amended as follows:

Application No.: Wellington Medical-Phase II (01-69 INST 2)

Amendment: From Low Residential, 2 units per acre (LR-2) to Institutional with an underlying 8 units per acre (INST/8);

General Location: Approximately 600 feet west of State Road 7/US 441, approximately 0.25 of a mile north of Forest Hill Boulevard;

Size: Approximately 27.22 acres;

B. Conditions: This parcel is subject to the following conditions:

1. Residential use of the site shall be limited to a Congregate Living Facility (CLF), or to uses governed by the LR-2 category.
2. Non-residential development intensity shall be limited to no more than 0.35 maximum floor area ratio (FAR).

1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 Part V. Effective Date

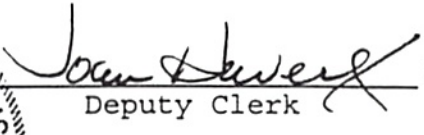
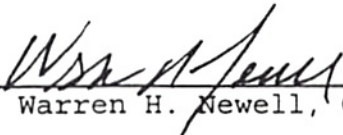
17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184, Florida Statutes, whichever occurs
21 earlier. No development orders, development permits, or land uses
22 dependent on this amendment may be issued or commence before it has
23 become effective. If the Administration Commission issues a final
24 order of noncompliance, this amendment may nevertheless be made
25 effective by adoption of a resolution affirming its effective status,
26

1 a copy of which resolutions shall be sent to the Department of
2 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
3 Boulevard, Tallahassee, Florida 32399-2100.


4 APPROVED AND ADOPTED by the Board of County Commissioners of
5 Palm Beach County, on the 27 day of August, 2001.

6
7 ATTEST:
8 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

9
10
11  By 
12 Deputy Clerk () Warren H. Newell, Chairman

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY

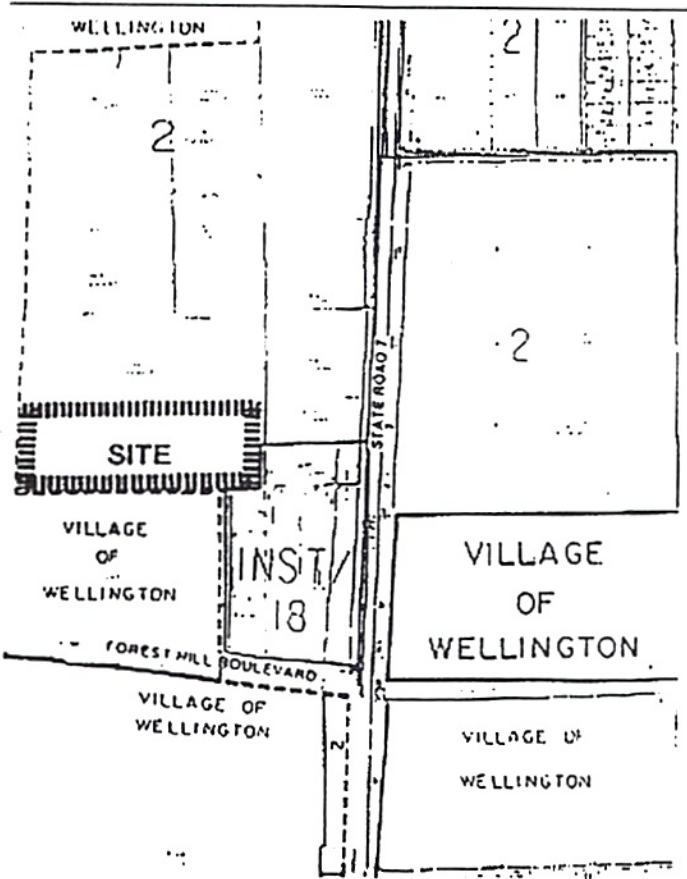

COUNTY ATTORNEY

Filed with the Department of State on the 6th day
of September, 2001.

EXHIBIT 1

Future Land Use Atlas page 69 is amended as follows:

- Amendment No.:** Wellington Medical - Phase II (01 - 69 INST 2)
- Amendment:** From Low Residential, 2 units per acre (LR-2) to Institutional with an underlying 8 units per acre (INST/8).
- Location:** Approximately 600 feet west of S.R. 7, approximately 0.25 of a mile north of Forest Hill Boulevard.
- Size:** Approximately 27.22 acres
- Property No.:** 00-42-43-27-05-018-0170
- Legal Description:** See attached
- Conditions:**
- Residential use of the site shall be limited to a Congregate Living Facility (CLF), or to uses governed by the LR-2 category.
 - Non-residential development intensity shall be limited to no more than 0.35 maximum floor area ratio (FAR).



LEGAL DESCRIPTION:

TRACT 17, LESS THE WEST 26 FEET THEREOF, AND ALL OF TRACTS 18 AND 19
IN BLOCK 18 OF PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN
PLAT BOOK 2, PAGES 45 - 54, PUBLIC RECORDS OF PALM BEACH COUNTY,
FLORIDA.

CONTAINING 1,185,569.143 SQUARE FEET (27.2169 ACRES) MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 27, 2001
DATED at West Palm Beach, FL on 9/24/01
DOROTHY H. WILKEN, Clerk
By: Kelane Brown D.C.